

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA

FOR REFERENCE ONLY

Forms and Procedures that have substantial changes effective 4/2/2013

- Instructions for Preparing Creditor Matrix
- Amendments to Schedules
- Amendment Cover Sheet
- Notice to Creditors of Amended Schedules (new form and procedure)
- Motion to Pay Unclaimed Funds
- Form B283 Chapter 13 Debtor's Certifications Regarding Domestic Support Obligations and Section 522(q) (Replaces local form with national form)
- Motion to Seal Document(s)
- Motion Seeking Entry of Discharge
- Motion to Appear Pro Hac Vice
- Substitution and Withdrawal of Attorney

INSTRUCTIONS FOR PREPARING CREDITOR MATRIX

Pursuant to Fed.R.Bankr.P. 1007(a), the debtor shall file with the petition a complete list of creditors containing the name and address of each entity to be listed on Schedules D, E, F, G and H. This list is called the creditor matrix. It is prepared by the debtor or the debtor's attorney and must be filed at the time the bankruptcy petition is filed.

Cases filed non-electronically may include the creditor matrix as a "hard copy" with the petition. The list may also be submitted as a ".txt" document on a CD or by email attachment sent to creditor_matrix@ndb.uscourts.gov. A signed Verification of Creditor Matrix must be filed with the creditor matrix.

The list should be prepared according to the following guidelines:

- Type the list in a single column against the left margin with no leading spaces.
- Do not use all capital letters.
- Do not use special characters in the address (e.g. !, @, #, \$, %, ^, &, *, (,), +)
- Do not include the debtor, joint debtor, attorney for debtor, trustee, or US Trustee. These parties will be automatically added by the system.
- Limit each creditor's name and address to 5 lines.
- Limit each line of a name and address to 40 characters and/or spaces.
- Attention lines should be placed on the second line of the name/address block.
- Use the correct postal abbreviation for each state.
- Place the zip code on the last line of name/address block following the city/state. Type nine-digit zip codes with a hyphen separating the two groups of numbers (e.g., 58102-4932)
- Separate each name/address block with two blank lines.
- Avoid any stray marks or extra text on the page (e.g. letterhead, page numbers, debtor's name).

In cases filed electronically, the matrix is prepared as a .txt file which is uploaded using Creditor Maintenance>Upload Creditor Matrix.

Amendments to Schedules

Last Updated: April 1, 2013

Every amendment to the petition, schedules or statements shall be filed with the Clerk.

When filed electronically, the U.S. Trustee and Trustee will receive notice of the amendment. Non-electronic filers must include proof of service indicating the appropriate parties have been served with the amendment. In addition, the following requirements must be met:

1. An [Amendment Cover Sheet](#) is required to be filed with every amendment. Electronic filers should describe the changes made to schedules on the cover sheet and in the “modify as appropriate” box provided in the amended schedules event. Non-electronic filers will describe the changes made to the schedules on the cover sheet. The cover sheet must be signed by the debtor(s).
2. A filing fee is required for any amendments to the debtor's schedules of creditors, list of creditors, matrix or mailing list to add or omit creditors; or to change the amount or classification of the debt. (Schedules D, E, and F). No fee is due to change an address of a listed creditor or to add the name and address of an attorney for a creditor already listed.

[**Note:** Refer to Bankruptcy Court [Miscellaneous Fee Schedule and Bankruptcy Fee Compendium](#) for exceptions to filing fee. 28 U.S.C. Section 1930]

3. An amended Summary of Schedules including Statistical Summary is required with every amendment filed reflecting the **cumulative** total for each schedule being amended.
4. Every amendment to Schedule C shall be accompanied by proof of service indicating service of the amendment on any party who has objected to the claim of exemptions. If the amendment is filed electronically and the objecting party will receive an [Notice of Electronic Filing](#) (NEF), no further service is required.
5. Every amendment to Schedule D, E or F shall be accompanied by proof of service indicating added creditors have been served with the following documents:
 - a. Full social security number of the debtor(s) (if not

11 U.S.C.:
FRBP: 1009
Local Rule 1009-
1

- noted on the Section 341 Meeting Notice)
 - b. Section 341 Meeting Notice
 - c. [Notice to Creditor\(s\) of Amended Schedule\(s\)](#)(if applicable)
6. It is not necessary to file an additional mailing matrix if proof of service listing additional creditors is filed.
 7. In a Chapter 11 case, the following parties shall also be served with any amendment:
 - Examiner (if any)
 - Attorney for the Creditors Committee (if any)
 - [Chapter 11 Agencies](#)

Note: A closed case must be reopened before an amendment is filed.

Filing Requirements:

- Amendment Cover Sheet
- Amended Summary of Schedules including Statistical Summary
- Amended Schedule(s)
- Proof of Service
- Notice to Creditor (if applicable)
- [Filing Fee](#) to add/delete creditors, or change the amount/classification of a debt.

Step-by-Step Procedures:

1. Review papers for the necessary filing requirements.
2. [Scan documents.](#)
3. [Log into CM/ECF.](#)
4. Select [**Bankruptcy > Misc/Other**].
5. Enter the case number (e.g. xx-xxxxx).
6. Select [**Amended Schedules**] from the event list.

Note: Amended Means Test is not a part of this event and must be filed separately.

7. Skip the [Joint Filing screen](#).
8. Select the party filer.
9. [Browse](#) to select the Amended Schedule(s) (pdf file).
10. Notice appears: "**Amendment Cover Sheet and Amended Summary of Schedules required with every amendment filed reflecting the cumulative total for each schedule being amended.**" Click [**Next**].
11. Select **all** amended schedule/statement being filed.

12. Enter the total amount for the amended schedule(s) selected in the appropriate box.
13. If schedule A, B, D, E, F, I, or J, is selected, update the summary of schedules with cumulative totals for each amended schedule.

Important Note: This is the TOTAL amount for the schedule, not just the amended amount. The existing total for each schedule will be reflected on the Summary of Schedules.

Leave receipt field blank and click **Next** to continue filing when fee is due. You will be directed to the credit card payment screen **after** completing this entry. Modify docket text as appropriate. Describe the changes made to the schedule (i.e. "Added GMAC to D" or "Added 2004 Toyota to B & C").

14. Review the final docket text, if correct, click [**Next**] to submit your document(s).

Note: The [Notice of Electronic Filing](#) displays giving you the document number. Copies of this notice are immediately e-mailed to all participants who receive electronic notification in the case.

15. Add new creditors. **Bankruptcy>Creditor Maintenance>Enter Individual Creditors.** Enter name and address of new creditors. Address may be up to 4 lines. More than one creditor may be entered (separate creditors with a blank line). Creditor type is creditor. Creditor committee should be "No".
16. Next file [Proof of Service](#) as required by the amendment.

Amendment Cover Sheet

Last Updated: April 1, 2013

An [Amendment Cover Sheet](#) is required to be filed with every amendment. Electronic filers should describe the changes made to schedules on the cover sheet and in the “modify as appropriate” box provided in the amended schedules event. Nonelectronic filers will describe the changes made to the schedules on the cover sheet. The cover sheet must be signed by the debtor(s).

The amendment cover sheet may be included with the amendment(s) and filed as one document using **Bankruptcy>Misc/Other>Amended Schedules** (preferred). If not included with the amended schedule(s), the amendment cover sheet may be filed separately.

Filing Requirements:

- Amendment Cover Sheet.

Step-by-Step Procedures:

1. Review the papers for the necessary filing and noticing requirements
2. [Scan](#) documents if necessary
3. [Log into CM/ECF.](#)
4. Select [**Bankruptcy > Misc/Other**].
5. Enter the case number (e.g, xx-xxxxx).
6. Select [**Amendment Cover Sheet**] from the event list.
7. Skip the [Joint Filing screen](#). Court will select the attorney filer.
8. Select the party filer.
9. [Browse](#) to select document. (.pdf file).
10. [Refer](#) the amendment cover sheet to the amended schedule(s).
11. Verify the final docket text; if correct, click [**Next**] to submit your document(s).

Note: The [Notice of Electronic Filing](#) displays giving you the document number. Copies of this notice are immediately e-mailed to all participants who receive electronic notification in the case.

12. If paper document(s) place in file/chron box

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA

IN RE:

Debtor(s)

Bankruptcy No:
Chapter:

AMENDMENT COVER SHEET

Schedules and Statements Amended (check all that apply):

- ☐ Voluntary Petition (describe change) _____
- ☐ Exhibit D
- ☐ Summary of Schedules and Statistical Summary of Certain Liabilities
- ☐ Schedule A – Real Property
- ☐ Schedule B – Personal Property
- ☐ Schedule C – Property Claim as Exempt
- ☐ Schedule D – Creditors Holding Secured Claims
- ☐ Schedule E – Creditors Holding Unsecured Priority Claims
- ☐ Schedule F – Creditors Holding Unsecured Nonpriority Claims
- ☐ Schedule G – Executory Contracts and Unexpired Leases
- ☐ Schedule H – Codebtors
- ☐ Schedule I – Current Income of Individual Debtors
- ☐ Schedule J – Current Expenditures of Individual Debtor(s)
- ☐ Declaration Concerning Debtor's Schedules
- ☐ Statement of Financial Affairs
- ☐ Disclosure of Compensation (Rule 2016(b) Statement)
- ☐ Statement of Intention
- ☐ Statement of Current Monthly Income
- ☐ Other _____

If amending schedules D, E, and/or F, the amendment is to:

- ☐ Add new creditor(s) (*Notice to Creditor(s) of Amended Schedule(s)* must be served and filed)
- ☐ Correct or delete information

Describe changes made:

(Examples: Added or Reclassified Creditor "X"; Add or modified exempt property "X")

DECLARATION

I certify under penalty of perjury that the foregoing is true and correct, and that the attached amendments are true and correct.

DATED: _____

Signature _____

Debtor

Joint Debtor

Notice to Creditor(s) of Amended Schedules

Last Updated: April 1, 2013

When a debtor adds creditors to schedules or the matrix after the original Notice of Meeting of Creditors has been served, or amends schedules to reduce the amount of a debt or reclassify a debt, the debtor shall serve a **notice** on added creditors that includes:

1. The name and address of the trustee and debtor's counsel;
2. (a) the bar date for filing proofs of claim. If the bar date has passed or will pass within 30 days and a creditor without knowledge of the bankruptcy is added, the notice shall provide that the creditor has 30 days after service of the notice to file a proof of claim; or (b) a statement clarifying that no date has been set or that it is a no-asset case and proofs of claim need not be filed;
3. The deadline to file complaints seeking denial of discharge. If the deadline has passed or will pass within 30 days and a creditor without knowledge of the bankruptcy is added, the notice shall provide that the creditor has 30 days after service of the notice to file a complaint.

The local form Notice to Creditor(s) of Amended Schedule(s) may be used and edited as needed.

The Notice to Creditor(s) of Amended Schedule(s) may be included with the amendment(s) and filed as one document using **Bankruptcy>Misc/Other>Amended Schedules** (preferred). If not included with the amended schedule(s), the notice may be filed separately.

Filing Requirements:

- Notice to Creditor(s) of Amended Schedules(s)
- Proof of Service

Step-by-Step Procedure:

1. *Review the papers for the necessary filing and noticing requirements.*
2. [Scan](#) documents.
3. [Log into CM/ECF](#).
4. Select [**Bankruptcy > Misc/Other**]

5. Enter the case number (e.g, xx-xxxxx).
6. Select [**Notice to Creditor(s) of Amended Schedule(s)**] from the event list.
7. Skip the [Joint Filing screen](#).
8. Select the party filer. If the party is not listed, click on [Add/Create New Party](#).

Note: The [Attorney/Party Association screen](#) may appear. If your party selection was correct, check the box to create an association.

9. [Browse](#) to select the Notice (.pdf file).
10. [Refer](#) the Notice to the Amended Schedule(s).
11. Does this Notice include certificate of service? Insert "y or n".
12. Modify the text as appropriate.
13. Verify the final docket text; if correct, click [**Next**] to submit your document(s).e

Note: The [Notice of Electronic Filing](#) displays giving you the document number. Copies of this notice are immediately e-mailed to all participants who receive electronic notification in the case.

Date: 4/1/13

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA

In Re: _____)
_____) Case No.
Debtor(s) _____)

NOTICE TO CREDITOR(S) OF AMENDED SCHEDULE(S)

You are hereby notified that the debtor has filed amended schedules to [*include/amend*] the creditor(s) listed below or on the attachment.

Include the following if adding an omitted creditor: Enclosed is a copy of the Notice of Meeting of Creditors and notification of the full social security number of the debtor(s).
(Do not include this notice with any filing you make with the court.)

[Edit paragraphs below as appropriate]

1. Creditor(s) (name and address):
2. Claim (amount owed, nature of claim, date incurred):
3. This claim has been scheduled as [*check box*]: ☐ priority; ☐ secured; ☐ general unsecured.
4. Trustee, (name, address, and phone) if one has been appointed:
5. Deadline for filing proofs of claim: [*and select the appropriate paragraph below*]
This is a no-asset case. It is unnecessary to file a claim now. If it is determined there are assets to distribute, creditors will receive a notice setting a deadline to file claims.

If this claim was added to the schedules after the deadline for filing claims stated above or if the deadline will pass within 30 days, the creditor shall have 30 days after the date of service below to file a proof of claim. A proof of claim form is available on the court's website at www.ndb.uscourts.gov.
6. Deadline for filing complaints objecting to discharge of specific debts or the general discharge of debtor under 11 U.S.C. §§ 523, 727:
If this claim was added to the schedules after the deadline for filing complaints stated above or if the deadline will pass within 30 days, the creditor shall have 30 days after the date of service below to file complaints.

Date: _____

Signature of Attorney for Debtor(s)
(type name, address)

Instructions: Edit all paragraphs as appropriate and serve on the affected creditor(s).

Motion to Pay Unclaimed Funds

Last Updated: April 1, 2013

Filing Requirements:

- Motion to Pay Unclaimed Funds.
- Notice of Motion with 14 day objection period.
- Evidence of proper authority ([Local Rule 3011-1](#)).
- Proof of Service showing service on the United States Attorney at the address posted at www.ndb.uscourts.gov
- Proposed order [Instructions](#)

Step-by-Step Procedures:

1. [Log into CM/ECF](#).
2. Select [**Bankruptcy > Motions/Applications**].
3. Enter the case number (e.g, xx-xxxxx).
4. Select [**Pay Unclaimed Funds**] from the event list.
5. Skip the [Joint Filing screen](#).
6. Select the party filer. If the party is not listed, click on [Add/Create New Party](#).

Note: The [Attorney/Party Association](#) screen may appear. If your party selection was correct, check the box to create an association.

7. Enter a "y or n" if the notice and proof of service are included with the Motion.
8. Enter the name of claimant
9. Enter the dollar amount.
10. [Browse](#) to select the documents (.pdf file).

Note: The Motion, Notice of Motion, and Proof of Service may be a single PDF; or the Notice, supporting documents, and Proof of Service may be added as [attachments](#) to this document. The Motion **must** be the first document in your PDF.

11. Enter date served.
12. Click [**Next**] and accept last day to object.
13. Verify the final docket text; if correct, click [Next] to submit your document(s).

Note: The [Notice of Electronic Filing](#) displays giving you the document number. Copies of this notice are immediately e-mailed to all participants who receive electronic notification in the case.

FOR REFERENCE ONLY

UNITED STATES BANKRUPTCY COURT

In re: _____
Debtor

Case No. _____

CHAPTER 13 DEBTOR'S CERTIFICATIONS REGARDING DOMESTIC SUPPORT OBLIGATIONS AND SECTION 522(q)

Part I. Certification Regarding Domestic Support Obligations (check no more than one)

Pursuant to 11 U.S.C. Section 1328(a), I certify that:

- ☐ I owed no domestic support obligation when I filed my bankruptcy petition, and I have not been required to pay any such obligation since then.
- ☐ I am or have been required to pay a domestic support obligation. I have paid all such amounts that my chapter 13 plan required me to pay. I have also paid all such amounts that became due between the filing of my bankruptcy petition and today.

Part II. If you checked the second box, you must provide the information below.

My current address: _____

My current employer and my employer's address: _____

Part III. Certification Regarding Section 522(q) (check no more than one)

Pursuant to 11 U.S.C. Section 1328(h), I certify that:

- ☐ I have not claimed an exemption pursuant to § 522(b)(3) and state or local law (1) in property that I or a dependent of mine uses as a residence, claims as a homestead, or acquired as a burial plot, as specified in § 522(p)(1), and (2) that exceeds \$146,450* in value in the aggregate.
- ☐ I have claimed an exemption in property pursuant to § 522(b)(3) and state or local law (1) that I or a dependent of mine uses as a residence, claims as a homestead, or acquired as a burial plot, as specified in § 522(p)(1), and (2) that exceeds \$146,450* in value in the aggregate.

Part IV. Debtor's Signature

I certify under penalty of perjury that the information provided in these certifications is true and correct to the best of my knowledge and belief.

Executed on _____
Date

Debtor

Motion to Seal Document(s)

Last Updated: April 1, 2013

11 U.S.C.:
FRBP: 9018
Local Rule 5005-4

A motion to seal individual documents may be filed electronically using the Motion to Seal event. Please note that the Motion to Seal and attached documents will NOT be restricted. If the motion is granted, the documents that the filer wants to file under seal may then be filed electronically. (See Sealed Document below).

Documents can be sealed only by motion and subsequent order of the court. Documents filed under seal are not available for review by the public. An NEF email is sent to all parties in the case, but the document may only be viewed by those who have access to the document referenced.

Filing Requirements:

Motion to Seal

- Motion to Seal along with supporting memorandum.
- Proposed order. [Instructions](#)

Step-by-Step Procedures:

1. [Review](#) the papers for the necessary filing and noticing requirements.
2. [Scan](#) document if necessary.
3. [Log into CM/ECF](#)
4. Select [**Bankruptcy > Motions/Applications**] OR [**Adversary > Motion**].
5. Enter the case number (e.g., xx-xxxxx).
6. Select [**Seal**] from the event list.
7. Skip the [Joint Filing screen](#).
8. Select the party filer. If the party filer is not listed, click on [Add/Create New Party](#)

Note: The [Attorney/Party Association](#) screen may appear. If your party selection was correct, check the box to create an association.

9. [Browse](#) to select the Motion (pdf file).

Note: Supporting documents may be added as [attachments](#) to this document.

10. Modify the text as appropriate.
11. Verify the final docket text; if correct, click [Next] to submit

your document(s).

Note: The [Notice of Electronic Filing](#) displays giving you the document number. Copies of this notice are immediately e-mailed to all participants who receive electronic notification in the case.

12. Submit proposed order. [Instructions](#)

IF MOTION AND DOCUMENT TO BE SEALED ARE FILED NONELECTRONICALLY:

Operations Supervisor to restrict document. When document is verified, destroy document or return to filing party.

Sealed Document

Step-by-Step Procedures:

1. [Review](#) the papers for the necessary filing and noticing requirements.
2. [Scan](#) document if necessary.
3. [Log into CM/ECF](#)
4. Select [**Bankruptcy>Misc/Other**]
5. Enter the case number (e.g., xx-xxxxx).
6. Select [**Sealed Document**] from the event list.
7. Skip the [Joint Filing screen](#).
8. Select the party filer. If the party filer is not listed, click on [Add/Create New Party](#)

Note: The [Attorney/Party Association](#) screen may appear. If your party selection was correct, check the box to create an association.

9. [Browse](#) to select the Motion (pdf file).
Note: Supporting documents may be added as [attachments](#) to this document.
10. Modify the text as appropriate.
11. Following notification: **“This entry and document and any attachments will be sealed. The entry will only appear on the docket report for authorized court staff”** Click [Next]
12. Verify the final docket text; if correct, click [Next] to submit your document(s).

Note: The [Notice of Electronic Filing](#) displays giving you the document number. Copies of this notice are immediately e-mailed to all participants who receive electronic notification in the case.

Motion for Entry of Discharge

Last Updated: April 1, 2013

If a case is closed without discharge due to the failure for the debtor to file the Financial Management Course Certificate or a certification of domestic support obligations, the debtor must motion the Court to reopen a closed case. If the motion is granted the debtor may file the certificate and a motion seeking entry of discharge, with a 14 day notice to interested parties.

Filing Requirements:

- Motion for Entry of Discharge
- Notice of Motion with 14 day objection period. Notice is sent to the [parties in interest](#).
- Financial Management Certificate OR Certification of Domestic Support Obligations [See Financial Management Court Certificate or Certification of Domestic Support Obligation for specific filing instructions](#)
- Proof of Service

Step-by-Step Procedures:

1. [Review](#) the papers for the necessary filing and noticing requirements.
2. [Scan](#) documents.
3. [Log into CM/ECF](#).
4. Select [**Bankruptcy > Motions/Applications**].
5. Enter the case number (e.g, xx-xxxxx).
6. Select [**Entry of Discharge**] from the event list.
7. Skip the [Joint Filing screen](#)
8. Select the party filer. If the party is not listed, click on [Add/Create New Party](#)

Note: The [Attorney/Party Association screen](#) may appear. If your party selection was correct, check the box to create an association.

9. Enter a "y or n" if proof of service is included with the motion.

11 U.S.C.: 727(a)(11); 1328(g)
FRBP: 5009(b);

Local Rule 5010-1

Note: The Motion, Notice of Motion and Proof of Service may be a single PDF; or the supporting documents, and Proof of Service may be added as [attachments](#) to this document. The Motion **must** be the first document in your PDF.

10. Enter the date served (Ex. 03/01/2013). Last day to object will be displayed.
11. [Browse](#) to select the Motion (pdf file).
12. Modify text as appropriate.
13. Verify the final docket text; if correct, click [**Next**] to submit your document(s).

Note: The [Notice of Electronic Filing](#) displays giving you the document number. Copies of this notice are immediately e-mailed to all participants who receive electronic notification in the case.

FOR REFERENCE ONLY

Motion to Appear Pro Hac Vice

Local
Rule
9010-2

Last Updated: April 1, 2013

A Motion to Appear Pro Hac Vice is filed by an attorney who is not admitted to practice generally before the court but wishes to appear for purposes of only one case (pro hac vice means for this occasion or particular purpose).

Filing Requirements:

- Obtain CM/ECF login and password prior to filing motion.
- Motion to Appear Pro Hac Vice

The motion must include the following information:

- (a) the attorney's residence,
 - (b) office address,
 - (c) telephone number
 - (d) office e-mail address,
 - (e) courts in which the attorney has been admitted to practice,
 - (f) the attorney's legal training,
 - (g) prior disciplinary action.
- \$150.00 Admission Fee

Step-by-Step Procedures:

1. [Review](#) the papers for the necessary filing and noticing requirements.
2. [Scan](#) documents.
3. [Log into CM/ECF](#).
4. Select [**Bankruptcy > Motions/Applications**].
5. Enter the case number (e.g, xx-xxxxx).
6. Select [**Appear pro Hac Vice**] from the event list.
7. Skip the [Joint Filing screen](#).
8. Select the party filer. If the party is not listed, click on [Add/Create New Party](#).

Note: The [Attorney/Party Association screen](#) may appear. If your party selection was correct, check the box to create an association.

9. [Browse](#) to select the Motion (.pdf file).
Note: Supporting documents may be added as [attachments](#) to this document.
10. To pay via credit card, leave the field blank and select [**NEXT**] to continue filing. The credit card screen will appear at the end of the event.
11. Modify the text as appropriate.

12. Verify the final docket text; if correct, click [**Next**] to submit your document(s).

Note: The [Notice of Electronic Filing](#) displays giving you the document number. Copies of this notice are immediately e-mailed to all participants who receive electronic notification in the case.

FOR REFERENCE ONLY

Notice of Substitution of Attorney (same law firm)

Last Updated: April 1, 2013

Substitution of Attorney from same law firm:

Filing Requirements:

- Notice of Substitution of Attorney signed by both attorneys
- Proof of Service
- No proposed order necessary

See also [Motion to Withdraw as Attorney](#) and [Motion for Substitution of Attorney \(Different Law Firm\)](#)

Practice Pointers:

- Debtor's New Attorney: If the substitution is in a chapter 11 or chapter 12 case, the new attorney shall file an affidavit as the professional to be employed, as required by Fed.R.Bankr.P. 2014(a).
- Debtor's New Attorney: Promptly file a [Disclosure of Compensation](#) pursuant to 11 U.S.C. § 329(a) and Fed.R.Bankr.P. 2016(b).
- Former Attorney: In a chapter 11, 12, or 13 case, file an [Application for Compensation and Notice](#) under Fed.R.Bankr.P. 2016(a) for fees incurred in connection with the case that have not yet been allowed.

11 U.S.C.: 327
and 329(a)

FRBP: 2014(a)
and 2016

Local Rule 9010-
2(C)

USDC-DND
Local Rule 1.3(F)

Step-by-Step Procedures:

1. [Review](#) the papers for the necessary filing and noticing requirements.
2. [Scan](#) documents.
3. [Log into CM/ECF](#).
4. Select [**Bankruptcy > Notices**].
5. Enter the case number (e.g, xx-xxxxx).

6. Select [**Notice of Substitution of Attorney**] from the event list.
7. Select the party filer.
8. Checkmark [attorney/party association](#).
9. [Browse](#) to select the document (.pdf file).

Note: Supporting documents and Proof of Service may be added as attachments to this document.

10. Insert name of new attorney and name of attorney to be removed. Click [**Next**].
11. Modify the text as appropriate Verify the final docket text; if correct, click [**Next**] to submit your document(s).

Note: The [Notice of Electronic Filing](#) displays giving you the document number. Copies of this notice are immediately e-mailed to all participants who receive electronic notification in the case.

FOR REFERENCE ONLY

Motion for Substitution of Attorney (different law firms)

Last Updated: April 1, 2013

Substitution of attorney from different law firms:

Filing Requirements:

- Motion for Substitution of Attorney
- Notice of Motion with 14 day objection period. Notice is sent to [parties in interest](#).
- Proof of Service
- Proposed Order [Instructions](#).

See also [Motion to Withdraw as Attorney](#) and [Notice of Substitution of Attorney](#).

Practice Pointers:

Debtor's New Attorney (all chapters): Promptly file a disclosure of compensation pursuant to 11 U.S.C. § 329(a) and Fed.R.Bankr.P. 2016(b). [See Director's Form 203](#)

Debtor's New Attorney (chapter 11 or chapter 12): The new attorney shall file an application for employment under 11 U.S.C. §327 and an affidavit as the professional to be employed, as required by Fed.R.Bankr.P. 2014(a).

Former Attorney: In a chapter 11, 12, or 13 case, file an application and notice under Fed.R.Bankr.P. 2016(a) for fees incurred in connection with the case that have not yet been allowed. [See Application for Compensation](#)

See also [Motion to Withdraw as Attorney](#) and [Notice of Substitution of Attorney \(same law firm\)](#)

Step-by-Step Procedures:

1. [Review](#) the papers for the necessary filing and noticing requirements.
2. [Scan](#) documents.
3. [Log into CM/ECF](#).
4. Select [**Bankruptcy > Motions/Applications**].
5. Enter the case number (e.g, xx-xxxxx).
6. Select [**Substitute Attorney**] from the event list.

7. Skip the [Joint Filing screen](#).

8. Select the party filer. If the party is not listed, click on [Add/Create New Party](#).

Note: The [Attorney/Party Association screen](#) may appear. If your party selection was correct, check the box to create an association.

9. Enter a "y or n" if the Notice and Proof of Service are included with the motion.

10. Insert name of new attorney and insert name of attorney being removed; click [Next].

11. Enter date served.

12. Accept last day to object; click [Next].

13. [Browse](#) to select the Motion (.pdf file).

Note: The Motion, Notice of Motion, and Proof of Service may be a single PDF; or the Notice, supporting documents, and Proof of Service may be added as attachments to this document. The Motion **must** be the first document in your PDF.

14. Modify the text as appropriate.

15. Verify the final docket text; if correct, click [Next] to submit your document(s).

Note: The [Notice of Electronic Filing](#) displays giving you the document number. Copies of this notice are immediately e-mailed to all participants who receive electronic notification in the case.

16. Submit proposed order. [Instructions](#).

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Motion to Withdraw as Attorney

Last Updated: April 1, 2013

If an attorney wishes to withdraw as counsel for debtor or party and the debtor or party has not retained a substitute attorney, the withdrawing attorney shall file a motion to withdraw. The attorney seeking to withdraw is not relieved of his or her duties until the court has granted the motion to withdraw.

Filing Requirements:

- Motion to Withdraw as Attorney
- Notice of Motion with 14 day objection period. Notice is sent to [parties in interest](#).
- Proof of Service
- Proposed Order [Instructions](#).

See also [Motion to Substitute Attorney](#) and [Notice of Substitution of Attorney](#).

Practice Pointers:

- The motion shall include a statement regarding whether any fees are owed but not yet paid.
- In a chapter 11, 12, or 13 case, file an application and notice under Fed.R.Bankr.P. 2016(a) for fees incurred in connection with the case that have not yet been awarded. [See Application for Compensation](#)

Step-by-Step Procedures:

1. [Review](#) the papers for the necessary filing and noticing requirements.
2. [Scan](#) documents.
3. [Log into CM/ECF](#).
4. Select [**Bankruptcy > Filed by Atty - (Misc)**].
5. Enter the case number (e.g, xx-xxxxx).
6. Select [**Withdraw As Attorney**] from the event list.

FRBP: 2016

Local Rule 9010-2(C)

USDC-DND Local Rule 1.3(F)

7. Enter a "y or n" if the notice and proof of service are included with the motion.

Note: The Motion, Notice of Motion, and Proof of Service may be a single PDF; or the Notice, supporting documents, and Proof of Service may be added as [attachments](#) to this document. The Motion **must** be the first document in your PDF.

8. Enter date served.
9. [Browse](#) to select the Motion (.pdf file).
10. Modify the text as appropriate.
11. Verify the final docket text; if correct, click [**Next**] to submit your document(s).

Note: The [Notice of Electronic Filing](#) displays giving you the document number. Copies of this notice are immediately e-mailed to all participants who receive electronic notification in the case.

12. Submit proposed order. [Instructions](#).

FOR REFERENCE ONLY